

June 22, 2022

The Honorable Alejandro Mayorkas Secretary U.S. Department of Homeland Security Washington, D.C. 20528

Dear Secretary Mayorkas,

Last September, U.S. Border Patrol Agents were purported to have "whipped" Haitian migrants at the U.S. southern border in the Del Rio sector. This allegation was promoted and spread by multiple members of the Biden Administration, including yourself when you said you were "horrified by what [you] saw." Though you also said you would "let the investigation run its course," you – the leader of the Department of Homeland Security (DHS) – passed judgment on the good men and women of Customs and Border Protection (CBP) before letting an investigation run its course.

In fact, your Department confused the official record and stoked the political fires surrounding the incident by once stating that the DHS Office of the Inspector General (OIG) "declined to investigate" the allegations about the CBP agents,² though there was never any criminal conduct for OIG to investigate. Your lack of clear leadership allowed a rumor to fester about the CBP agents you were appointed to lead. This investigation became further entrenched in confusion when it was reported in January that the "investigative work" the Custom and Border Protections' (CBP) Office of Professional Responsibility (OPR) was conducting on the incident may never appear.³ At that time, Members of Congress wrote to you requesting that you make that report immediately public - this has yet to happen.⁴

And today, there are now reports that DHS is preparing to discipline multiple horseback Border Patrol agents who were accused of whipping migrants, alleging "administrative violations." Over 9 months after the September incident in Del Rio, the American people and Members of Congress still do not have a clear understanding of the incident and what truly happened - seemingly by design from your Department. Reports of disciplinary action are extremely concerning and look to be more politically motivated than legitimate for cause of wrongdoing.

 $^{^{1}\,\}underline{\text{https://www.axios.com/}2021/09/21/del-rio-haitian-migrants-border-patrol-harris-mayorkas}$

² https://www.dhs.gov/news/2021/11/16/dhs-update-regarding-investigation-horse-patrol-activity-del-rio-texas-september-19

 $^{^{3} \}underline{\text{https://www.washingtonexaminer.com/policy/report-on-texas-horse-patrol-incident-may-never-materialize} \\$

⁴https://roy.house.gov/sites/evo-

subsites/roy.house.gov/files/Roy%20DHS%20Haitian%20migrant%20investigation%20ltr%2001.31.21%20%283%29.pdf

⁵ https://twitter.com/BillFOXLA/status/1536846948061401094?s=20&t=xt-82b9FD2fbf8HP6w3Fww

We request that you not only publicly release any investigative report of the matter, but that you provide Members of Congress with a briefing on the investigation and proposed disciplinary action by July 6, 2022. In this, we request that you also respond to the below questions in writing by the briefing date.

- 1. Is there an ongoing investigation of the CBP agents involved in the Del Rio "whipping" incident in September 2021?
 - a. Is there, or was there ever a criminal investigation of these CBP agents?
 - i. If so, was any criminal allegation referred to the Office of Inspector General?
 - b. Is there, or was there ever an administrative investigation of the CBP agents involved in the Del Rio "whipping" incident in September 2021?
- 2. Who specifically has been charged with conducting the investigation?
 - a. Which office and Department of DHS are they employed by?
- 3. Did this investigation conform with any collective bargaining agreement?
 - a. If so, did the collective bargaining agreement impact the investigation itself?
- 4. What, if any, disciplinary action has been imposed by the deciding official?
 - a. If any disciplinary action has been proposed by the proposing official, did the agents involved receive a review of the proposal?
 - b. If any disciplinary action has been decided by the deciding official, were the agents involved given the opportunity to appeal?
 - c. If disciplinary action has been proposed or imposed, what wrongdoing or specific violations of the agents involved led to the disciplinary action?

We look forward to receiving your response.

Sincerely,

Chip Roy

Member of Congress

Andy Biggs

Member of Congress

Lauren Boebert Member of Congress Scott Perry

Member of Congress

Warren Davidson

Member of Congress

Ralph Norman Member of Congress

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Wan Bishop

Dan Bishop Member of Congress

Michael Cloud Member of Congress

Bob Good Member of Congress Her Buck

Ken Buck Member of Congress

Louie Gohmert Member of Congress

Jody Hice Member of Congress